

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EVERETT JESSE SULLENS,	§	
Petitioner,	§	
	§	
VS.	§	Civil Action No. 4:20-CV-827-P
	§	
LANE AKIN, Sheriff,	§	
Wise County, Texas,	§	
Respondent.	§	

OPINION AND ORDER

Before the Court is a petition for writ of habeas corpus under 28 U.S.C. § 2241 filed by Petitioner, Everett Jesse Sullens, a state pretrial detainee confined in the Wise County jail at the time the petition was filed, against Lane Akin, sheriff of Wise County, Texas, Respondent. After considering the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed for mootness.

I. BACKGROUND

At the time this petition was filed, petitioner was confined in the Wise County jail awaiting trial on drug related charges. Resp't's Answer 1, ECF No. 9. In this petition, he raises four grounds for relief challenging his continued pretrial confinement. Pet. 5-6, ECF No. 5. Respondent has filed an answer to the petition asserting that it has been rendered moot because Petitioner has pleaded guilty to a lesser included offense pursuant to a plea agreement and been released from custody on the Wise County charges. Resp't's Answer 1, ECF No. 9. Petitioner has notified the Court of his change of address and that he is currently residing in Jasper, Texas. Notice, ECF No. 13.

II. DISCUSSION

Respondent provides proof that on September 15, 2020, pursuant to a plea agreement, Petitioner pleaded guilty to the lesser included offense of attempting to commit possession of a controlled substance of less than one gram and was placed on nine months' deferred adjudication community supervision and ordered to pay restitution in the amount of \$180 and court costs. *Id.*, Ex. A. Thus, Petitioner is no longer a pretrial detainee in custody of Respondent and the petition as it relates to his pretrial detention has been rendered moot. *See Fassler v. United States*, 858 F.2d 1016, 1018 (5th Cir. 1988); *Thorne v. Warden, Brooklyn House of Detention for Men*, 479 F.2d 297, 299 (2d Cir. 1973).

III. CONCLUSION

For the reasons discussed herein, Petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2241 is **DISMISSED** with prejudice as moot. A certificate of appealability is **DENIED**.

SO ORDERED on this 28th day of January, 2021.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE